IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.888 OF 2006

Yashwant Vaktavarmal Jain .. Petitioner
Versus
Pukharaj Rupchand Jain & Ors. .. Respondents

Mr.Sandesh Patil for petitioner

CORAM : S.C.DHARMADHIKARI, J.
DATE : 20th February 2006.
P.C.

. Heard Mr.Patil for petitioners and Mr.Deval for respondent No.1.

2. The order under challenge records that the proceedings which are instituted by the respondents are maintainable as an appeal and not as a revision.

3. This Court has directed the authority whose order is under challenge, to decide the

issue of maintainability as well as merits of the matter.

4. Today only, the issue of maintainability is decided and merits are yet to be gone into. In these circumstances, the order being interlocutory is not required to be interfered with under Article 227 of Constitution of India.

5. It would be open for petitioner to point out that respondents are not entitled to any reliefs as the proceedings are time barred as also on merits. Equally, if the final order is adverse to the petitioner, it would be open to him to assail it also on the ground that the proceedings were not maintainable as a revision/ appeal. Petition dismissed.

(S.C.DHARMADHIKARI, J)